

**Village of Endicott
Wastewater Treatment Plant
1009 E. Main St.
Endicott, New York 13760
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NOV 09 2010

Water Docket
Environmental Protection Agency
Mail code: 2822T
1200 Pennsylvania Ave., NW
Washington, DC 20460

November 1, 2010

RE: Draft Chesapeake Bay TMDL
Docket ID: EPA-R03-OW-2010-0736

To Whom It May Concern:

The Village of Endicott is concerned about the draft Chesapeake Bay Total Maximum Daily Load (TMDL) issued by the Environmental Protection Agency (EPA).

Although we do agree that the water quality of the Bay area is of great importance, the approach laid out in the EPA's draft TMDL plan is not only unachievable but irresponsible.

New York's water quality has improved dramatically over the last years and is of much better quality than any of the other contributing states that flow into the Chesapeake Watershed. It is a fact that if New York's discharge quality were met by the other contributing States, the Bay would not have the excess nutrient and sediment issues that exist today. In fact, New York is being told to clean up our already clean water which means pound for pound it will cost New York more money to meet the TMDL numbers than other States.

Another issue that should be addressed is the fact that New York's population has decreased over the last few years and the states close to the Bay have seen growth. That growth has contributed to the decreased water quality in the bay. New York should not be expected to shoulder the responsibility for the increase of new growth in other areas.

There are also uncontrollable factors contributing to the nutrient load From New York that are not being considered by the EPA. One being forest cover that is the cause of the majority of nutrient loading. Point source (wastewater plants) are a fraction of the loading source. In theory; if wastewater streams were eliminated

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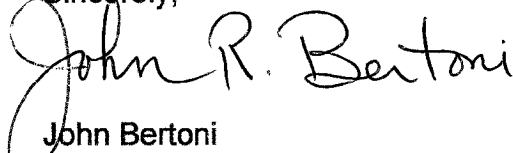
completely from the streams and rivers flowing to the bay, the limit numbers reaching the bay recommended by the EPA could not be met.

The Endicott Wastewater Plant completed an 8 million dollar nitrification upgrade ten years ago to comply with a consent order due in part to the Chesapeake Bay Commission. Further upgrades are estimated to be 6 to 8 million dollars. Due to these anticipated unfunded mandates, the cost to our users will be unacceptable.

The timeline set forth by the EPA for finalization of the TMDL (December 31, 2010) does not allow adequate time to develop a fair or realistic plan to decrease loading numbers to the Bay. There are too many inconsistencies with the EPA's computer models as well as the incorrect data being used to determine such numbers. It is our hope that the EPA will extend the implementation timeline in order to work with the State agencies (NYS DEC) to better ensure water quality in the Chesapeake Bay. By doing so, we can see where we could get a better "bang for the buck".

The EPA's draft TMDL plan is unfair, unrealistic, and irresponsible.

Sincerely,



John Bertoni
Mayor

Cc: Senator Kirsten Gillibrand
Senator Charles Schumer
Ron Entringer, NYSDEC
Peter Freehafer, NYSDEC
Judith Enck, EPA
James Edwards, EPA